

REMARKS

Applicants thank the Examiner for the courtesies she extended to their representative during the interview held on June 12, 2008. During the interview, applicants explained the differences between the claimed invention and the Matsunaga. The Examiner stated although Matsunaga describes a different manufacturing process, it was not clear to the Examiner that Matsunaga's process would not produce the claimed product.

Claims 22-24 stand rejected under 35 USC 102(b) as being anticipated by, or in the alternative, under 35 USC 103(a) as being obvious over WO/65140 to Matsunaga et al. Claims 22-24 stand rejected under 35 USC 102(b) as being anticipated by, or in the alternative, under 35 USC 103(a) as being obvious over US2003/0152743 to Matsunaga et al. Note, as the Examiner indicates, US2003/0152743 is equivalent to WO/65140, accordingly, these two applications will be collectively referred to as "Matsunaga" herein.

Applicants claim a carpet including an aliphatic polyester multifilament crimped yarn. The yarn is produced by drawing a non-drawn yarn including a polylactic acid via two-step drawing process, in which the yarn is drawn to 1.01-3 times in the first step and to 1.01-3 times in the second step, with a drawing scale of 1.02-9 times in total, and crimping a multifilament fiber including the drawn yarn with a crimp-providing apparatus that utilizes heated air. The yarn also has the following characteristics: 1) a melting point of equal to or higher than 130°C, 2) a crimp elongation rate of 3-35% after being processed with boiling water, 3) a boiling water shrinkage of not higher than 10%, and 4) a breaking strength of 1-5 cN/decitex.

As acknowledged by the Examiner, the yarns in Matsunaga are produced using a one step drawing process, not the two step drawing process recited in the claims. The Examiner, however, maintains that applicants still have not shown that these process limitations would actually change the resulting product. Accordingly, attached is the declaration of Mr. Mito. As described in the declaration, Mr. Mito reproduced Example 1 of Matsunaga using a variety of drawing conditions.

Mr. Mito confirmed that the two-step drawing process recited in claim 22 produces a yarn with different characteristics than the one-step drawing process described in Matsunaga. Further, the yarn produced using the one-step drawing process described in Matsunaga does not have the claimed breaking strength recited in claim 22.

Since, as shown by Mr. Mito's declaration, the one step drawing process used in Matsunaga produces a different yarn than the claimed yarn, and since Matsunaga does not describe a yarn that would inherently possess the claimed characteristics including the claimed breaking strength, the rejections of claims 22-24 should be withdrawn.

In view of the above, each of the claims in this application is in condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejections of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing **Docket No. 360842009710**.

Dated: February 13, 2009

Respectfully submitted,

By

Jonathan Beckman

Registration No.: 45,640

MORRISON & FOERSTER LLP

1650 Tysons Blvd, Suite 400

McLean, Virginia 22102

Telephone: (703) 760-7769

Facsimile: (703) 760-7777

Attachment